

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

HEATHER MAGNESS,

Plaintiff,

V.

MARTIN O'MALLEY,  
Commissioner of Social Security,

Defendant.

$$\begin{array}{c} ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \end{array}$$

Case No. 1:24-cv-01107-JDB-tmp

## ORDER GRANTING SENTENCE FOUR REMAND

The Commissioner of Social Security has moved to reverse the decision of the Administrative Law Judge (“ALJ”) and remand this action to Defendant pursuant to sentence four of section 205(g), 42 U.S.C. § 405(g). (Docket Entry 11.) Remand will expedite administrative review, ensure that the Commissioner may fully consider Plaintiff’s claim, and may ultimately make judicial review unnecessary. Furthermore, remand is appropriate under 42 U.S.C. § 405(g), which provides that “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” § 405(g); *see Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Newkirk v. Shalala*, 25 F.3d 316, 318 (6th Cir. 1994).

For the foregoing reasons, and pursuant to *Shalala v. Schaefer*, 509 U.S. 292 (1993), the decision of the ALJ is REVERSED and this case is REMANDED to the Commissioner under sentence four of 42 U.S.C. § 405(g).

IT IS SO ORDERED this 9th day of July 2024.

s/ J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE